

Proposed Regulations Governing Certified Professional Wetland Delineators

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**PART I.**

**GENERAL**

**18 VAC 145-30-10. Definitions.**

All terms defined in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, are incorporated in this chapter.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

**“Tidal wetlands”** means those wetlands as defined by § 28.2-1300 of the Code of Virginia, as amended.

**“Non-tidal wetlands”** means wetlands except those as defined by § 28.2-1300 of the Code of Virginia, as amended.

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**PART II.**

**ENTRY**

**18 VAC 145-30-20. Qualifications for certification.**

Applicants for certification shall meet the requirements specified in Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as amended, and this chapter.

**18 VAC 145-30-30. Receipt of Application.**

The date the completely documented application and fee are received in the board's office shall determine if the application has been received by the established deadline.

**18 VAC 145-30-40. Qualification for examination.**

A. In order to qualify for the examination, an applicant shall provide three written references that comply with subsection B and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering, ecology, soil science, geology, hydrology or any similar biological,

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1           physical, natural science or environmental engineering curriculum that has been  
2           approved by the board; have successfully completed a course of instruction, in state  
3           and federal wetland delineation methods, that has been approved by the Board; and  
4           have at least four years of experience in wetland delineation under the supervision of  
5           a certified professional wetland delineator, the quality of which demonstrates to the  
6           Board that the applicant is competent to practice as a certified professional wetland  
7           delineator; or

8  
9           2. Have a record of at least six years of experience in wetland delineation under the  
10           supervision of a certified professional wetland delineator, the quality of which  
11           demonstrates to the Board that the applicant is competent to practice as a certified  
12           professional wetland delineator; or

13  
14           3. Have a record of at least four years of experience in wetland science research or as a  
15           teacher of wetlands curriculum in an accredited institution of higher education, the  
16           quality of which demonstrates to the Board that the applicant is competent to practice  
17           as a certified professional wetland delineator.

18  
19           B. Every applicant shall provide three written references, on a form provided by the board, from  
20           wetland professionals with at least one from a certified professional wetland delineator. Individuals  
21           who provide references shall not be related to the applicant and shall have known the applicant for at  
22           least one year. Individuals who provide references may not also verify experience, including

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1 research or teaching experience.

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3 C. Notwithstanding the requirements of subsection A and B, the requirement for a reference  
4 from and supervision by a certified professional wetland delineator shall be waived provided a  
5 complete application is received by the board on or before June 30, 2006.

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7 **18 VAC 145-30-50. Qualifying experience in wetland delineation.**

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9 An applicant shall demonstrate experience in one of the following areas:

10

11 1. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.1 or 18  
12 VAC 145-30-40.A.2, the experience in wetland delineation must be as a wetland  
13 professional and include the preparation of no less than ten reports, which must be no  
14 more than ten years old at time of receipt by the board office, delineating wetlands in  
15 accordance with applicable state and federal regulations which include the proper  
16 identification of vegetation, soil and hydrology indicators. At least six of the ten reports  
17 must be for non-tidal wetlands. At least three of the reports must have confirmation  
18 letters from the applicable state or federal regulatory body certifying that they are  
19 correct; or

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21 2. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.1 or 18  
22 VAC 145-30-40.A.2, the experience in wetland delineation must be as a wetland

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1           professional and include the inspection, review or confirmation of no less than ten  
2           reports, which must be no more than ten years old at time of receipt by the board office,  
3           delineating wetlands in accordance with applicable state and federal regulations which  
4           include the proper identification of vegetation, soil and hydrology indicators. At least six  
5           of the ten reports must be for non-tidal wetlands, or

6  
7           3. For those individuals applying pursuant to the provisions of 18 VAC 145-30-40.A.3, the  
8           experience as a wetland science researcher must include the preparation of a minimum of  
9           three field studies focused on wetland delineation practice and issues, and the experience  
10           as a teacher of wetlands curriculum must have been acquired in an accredited institution  
11           of higher education as a field or laboratory instructor of quarter or semester length  
12           classes for a minimum of six semester hours, or equivalent, within the past ten years  
13           prior to the receipt of the application by the board office.

14  
15           **18 VAC 145-30-60. Course Requirements.**

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17           The education required pursuant to 18 VAC 145-30-40.A.1 of this chapter must include the  
18           following:

19  
20           A. For a bachelors degree in any similar biological, physical, natural science or  
21           environmental engineering curriculum to be approved by the board, it shall, at a minimum,  
22           contain the following:

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2           1. Fifteen semester hours, or equivalent, in biological sciences including  
3           courses such as general biology, botany or zoology; general ecology; plant, animal,  
4           aquatic or wetlands ecology; invertebrate zoology; taxonomy; marine science;  
5           fisheries biology; plant physiology, plant taxonomy, plant pathology, plant  
6           morphology; relevant environmental sciences, and similar courses;

7  
8           2. Fifteen semester hours, or equivalent, in physical sciences including courses  
9           in soils, chemistry, hydrology, physics, geology, sedimentology, oceanography,  
10          coastal processes, environmental engineering, and similar courses; and

11  
12          3. Six semester hours, or equivalent, in quantitative sciences including courses  
13          in math, computer sciences, basic statistics, popular dynamics, experimental  
14          statistics, and similar courses.

15  
16          B. The applicant must have successfully completed a course of instruction, of a  
17          minimum of forty hours, in state and federal wetland delineation methods which includes  
18          the proper identification of vegetation, soil and hydrology indicators and a field  
19          component.

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21 **18 VAC 145-30-70. Examination.**

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1 A. Once approved by the board, an applicant shall be eligible to sit for a board approved  
2 examination.

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4 B. An applicant must meet all eligibility requirements as of the date the completely documented  
5 application and fee is received by the board's office. For examination candidates, the  
6 completely documented application and fee must be received by the board's office at least 90  
7 days prior to the examination.

8

9 C. A candidate approved to take an examination shall do so within one year of the date of  
10 approval or submit a new application and fee in accordance with these regulations. If an  
11 applicant should not pass the board approved examination within one year of being  
12 approved, the applicant shall be required to submit a new application and fee in accordance  
13 with this chapter in order to take the examination.

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15 **18 VAC 145-30-80. Waiver from examination.**

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17 An applicant may be granted a Virginia certificate without examination, provided that:

18

19 1. The applicant holds an unexpired professional wetland delineator certificate or  
20 equivalent issued on the basis of equivalent requirements for certification in Virginia,  
21 by a regulatory body of another state, territory or possession of the United States and  
22 is not, nor has been, the subject of any disciplinary proceeding before such regulatory

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1            body, and such other regulatory body recognizes the certificates issued by this board  
2            shall have the requirement for the examination waived provided all other  
3            requirements of Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of  
4            Virginia, as amended, and this chapter are satisfied; or

5  
6            2. Applicants who submit a complete application so that it is received by the board  
7            on or before June 30, 2006, and are found to be qualified pursuant to § 54.1-  
8            2206.B (effective July 1, 2004) of the Code of Virginia, as amended, shall have  
9            the requirement for the examination waived provided all other requirements of  
10           Chapter 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia, as  
11           amended, and this chapter are satisfied.

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**PART III.**

**FEES, RENEWAL AND REINSTATEMENT REQUIREMENTS**

**18 VAC 145-30-90. Fees.**

All fees required by the board are nonrefundable and shall not be prorated.

<b><u>Fee Type</u></b>	<b><u>Amount</u></b>
Application	\$300
Renewal fee	\$260
Late renewal fee	\$25
Reinstatement fee	\$300

**18 VAC 145-30-100. Expiration.**

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

**18 VAC 145-30-110. Renewal.**

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A. The department shall mail a renewal notice to the certificate holder at the last known address of record at least 30 days prior to expiration. Failure to receive this notice does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, a copy of the certificate shall be submitted with the required fee in lieu of the renewal notice.

B. If the renewal fee is not received by the department within 30 calendar days following the expiration date noted on the certificate, a late renewal fee of \$25 shall be required in addition to the regular renewal fee. If the certificate is renewed after 30 days from the expiration date and prior to 180 days of the expiration date, the effective date of the renewal shall be the original renewal date. No certificate may be renewed more than 180 days following the date of expiration noted on the certificate.

C. The date a fee is received by the department or its agent shall determine whether a late renewal fee or the requirement for reinstatement or reapplication is applicable.

D. A certificate suspended by board order shall not be renewed until the period of suspension has ended and all terms and conditions of the board's order have been met. Individuals renewing certificates within 30 days after the suspension is lifted will not be required to pay a late fee.

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**18 VAC 145-30-120. Reinstatement.**

A. If the renewal fee and late renewal fee are not received by the department within 180 days following the expiration date noted on the certificate, the certificate holder shall no longer be considered a certificate holder and will be required to apply for certificate reinstatement. The applicant shall meet the current eligibility standards for certification as a Virginia certified professional wetland delineator. The board may require examination or reexamination. The fee for reinstatement shall include the regular renewal fee plus the reinstatement fee.

B. If the reinstatement application and fee are not received by the department within one year following the expiration date noted on the certificate, the applicant shall apply as a new applicant and shall meet all current entry requirements as may be required by the board.

**18 VAC 145-30-130. Denial of Application or Renewal.**

The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in Chapters 1, 2 or 22 of Title 54.1 of the Code of Virginia, as amended, and this chapter, including, but not limited to, Part IV of this chapter.

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**PART IV.**

**STANDARDS OF PRACTICE AND CONDUCT**

**18 VAC 145-30-140. Standards of practice and conduct.**

A Virginia certified professional wetland delineator:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification or recertification.

2. Shall not engage in any fraud, deceit or misrepresentation in advertising, in soliciting or in providing professional services.

3. Shall not knowingly sign any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.

4. Shall not knowingly represent a client or employer on a project on which the certificate holder represents or has represented another client or employer without making full disclosure thereof.

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- 1           5. Shall express a professional opinion only when it is founded on adequate knowledge  
2                   of established facts at issue and based on a background of technical competence in  
3                   the subject matter.  
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- 5           6. Shall not knowingly misrepresent factual information in expressing a professional  
6                   opinion.  
7
- 8           7. Shall immediately notify the client or employer and the appropriate regulatory  
9                   agency if the certificate holder's professional judgment is overruled and not adhered  
10                  to when advising appropriate parties of any circumstances of a substantial threat to  
11                  the public health, safety, or welfare.  
12
- 13          8. Shall exercise reasonable care when rendering professional services and shall apply  
14                  the technical knowledge, skill and terminology ordinarily applied by practicing  
15                  wetland professionals.  
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- 17          9. Shall sign and date all plans, drawings, blueprints, surveys, reports, specifications,  
18                  maps or other documents prepared or reviewed and approved by the certificate  
19                  holder. The certified wetland professional delineator shall also indicate that he is a  
20                  Virginia Certified Wetland Professional Delineator on all plans, drawings, blueprints,  
21                  surveys, reports, specifications, maps or other documents prepared or reviewed and  
22                  approved by the certificate holder and include his certificate number.

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2 **18 VAC 145-30-150. Grounds for suspension, revocation or other disciplinary action.**

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4 The board has the power to fine any certificate holder, and to suspend or revoke any  
5 certificate issued under the provisions of Title 54.1, Chapter 22 of the Code of Virginia, as amended,  
6 and the regulations of the board, where the certificate holder has been found to have violated or  
7 cooperated with others in violating any provision of Chapters 1, 2 or 22 of Title 54.1 of the Code of  
8 Virginia, as amended, or any regulation of the board.

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10 **18 VAC 145-30-160. Change of Address**

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12 A certificate holder shall keep the department informed of his current mailing address.  
13 Change of address shall be reported to the department in writing within 30 calendar days of the  
14 change.